

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

BEVERLY STELLY

CIVIL ACTION NO. 6:20-CV-00570

VERSUS

JUDGE JUNEAU

**ZYDUS PHARMACEUTICALS
U S A INC**

MAGISTRATE JUDGE WHITEHURST


JUDGMENT

THIS MATTER was referred to United States Magistrate Judge Carol B. Whitehurst for report and recommendation, Rec. Doc. 53. After an independent review of the record, including the applicable law, the objections filed by Defendant Zydus Pharmaceuticals USA, Inc., and the response filed by Plaintiff Beverly Stelly, this Court concludes that the Magistrate Judge's report and recommendation is correct and adopts the findings and conclusions therein as its own. Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that Defendant's Motion to Dismiss, Rec. Doc. 43, is **GRANTED IN PART** and **DENIED IN PART**. The Motion is granted with respect to Plaintiff's claims for LPLA failure to warn (First Cause of Action), negligence (Second Cause of Action), gross negligence (Third Cause of Action), off-label marketing (Fourth Cause of Action), and strict liability (Sixth Cause of Action), and thus, those claims are **DISMISSED WITH PREJUDICE**. The Motion is denied to the extent that it

seeks to dismiss Plaintiff's claim for failure to provide Medication Guide (Fifth Cause of Action).

THUS DONE AND SIGNED in Lafayette, Louisiana, on this 23rd day of March, 2021.



MICHAEL J. JUNEAU
UNITED STATES DISTRICT JUDGE